

Recent Federal Aviation Administration Responses to Safety Board Recommendations

A-74-55 (April 1).—Supplements response of Oct. 2, 1978 (43 FR 50063, Oct. 26, 1978) and responds to Board inquiry of Aug. 19, 1980. Installation of VASI's on ILS runways is an ongoing FAA program.

A-75-35 through -37 (March 11).—Supplements response of Sept. 21, 1978 (43 FR 48743, Oct. 19, 1978). Norfolk TRSA expanded to include Langley Air Force Base; TRSA's established by FAA/DOD at selected military locations.

A-76-110 and -113 (March 17).—Supplements response of Nov. 19, 1976, reference recommendations reported at 41 FR 36091, Aug. 26, 1976. Re aerobatic airplanes, study shows uniquely applicable stick force gradient requirements not needed, nor is R&D for installation of accelerometers.

A-78-48 (March 18).—Supplements response of Sept. 11, 1978 (43 FR 46090, Oct. 5, 1978) and responds to Board comments of Oct. 21, 1980. Manufacturers' operating instructions now correct deficiencies re induction icing in aircraft using engines with injection-type carburetors.

A-79-3 (April 1).—Supplements response of May 4, 1979 (44 FR 28897, May 17, 1979) and responds to Board inquiry of Aug. 15, 1980. Safety information, intended to reduce probability of failure in Thompson Model 1900 engine-driven fuel pumps, has been published.

A-79-33 and -34 (April 1).—Supplements response of July 23, 1979 (44 FR 48004, Aug. 16, 1979) and responds to Board inquiry of Aug. 15, 1980. Letter issued, to be followed by advisory circular, reemphasizing need to consider cockpit configuration and instrumentation factors when approving engineering changes or issuing supplemental type certificates. Supplemental Type Certificate SA3357WE-D audited.

A-80-120 through -222 (February 4).—Initial response to recommendations issued Nov. 21, 1980 (see above). FAA concurs and has issued Emergency Airworthiness Directives 80-25-02 and 80-25-02R1.

A-80-142 (April 1).—Initial response to recommendations reported at 46 FR 9822, Jan. 29, 1981. FAA concurs. Airworthiness Directive requiring inspections and overhaul as outlined in Stewart-Warner service manuals is expected by April 3, 1981.

A-81-8 (March 27).—Initial response to recommendations reported at 46 FR 11075, Feb. 5, 1981. FAA's Weather

Message Switching Center is modifying and expanding its "Urgent Routing" capabilities.

Recent Responses to Marine Safety Recommendations

M-79-17 through -30 (U.S. Coast Guard, March 30).—Responds to Safety Board comments of Nov. 7, 1979, re initial response of Aug. 6, 1979 (44 FR 50937, Aug. 30, 1979). Discusses use of VHF radiotelephones on USCG cutters, workability of bridge-to-bridge communications, career development training, sufficiency of instructors on training vessels, personnel qualification standards, use of radar equipment and plotting of radar data, taking of medication by watchstanders, initiation of early action in crossing situations, accessibility of lifejackets, automatic emergency lighting for egress from manned spaces on USCG cutters, and removal of drawers from inclined ladders.

M-79-102 (Department of the Navy, March 30).—Responds to Safety Board comments of Feb. 25, 1981, re Navy's response of Sept. 10, 1980 (45 FR 65370, Oct. 2, 1980). Re authorization of unclassified transmission of certain weather observations within the U.S. Economic Zone. Navy reports a new software routine at the Fleet Numerical Oceanography Center will be completed this year.

M-80-55 (Exxon Company, U.S.A., March 5).—Responds to recommendation reported at 45 FR 63581, Sept. 25, 1980. Exxon will include an on-board review of radar and Automated Radar Plotting Aid proficiency in its yearly vessel safety audit program.

M-80-56 through -61 (U.S. Coast Guard, March 30).—Responds to recommendations reported at 45 FR 63581, Sept. 25, 1980. Discusses checklist for verifying condition of inert gas systems of foreign and domestic tankers, sufficiency of existing inert gas regulations, assurance of operation of inert gas system before commencing cargo transfer, maintenance of inerted atmosphere and reporting of hazardous conditions, inspection of flame screens, and specifications for flame arresters.

Recent Responses to Railroad Safety Recommendations

R-78-51 (Pennsylvania Emergency Management Agency, March 23).—Response is to comments of Feb. 6, 1981, on Pennsylvania Department of Transportation's letter of Feb. 28, 1979 (44 FR 21910, Apr. 12, 1979). Upon resolution of the Allegheny County Disaster Plan review, the Safety Board

will be notified as to exact implementation.

R-80-26 (Federal Railroad Administration, March 16).—Responds to Board comments of Feb. 18, 1981, re FRA's response of Aug. 18, 1980 (45 FR 57610, Aug. 28, 1980). Reports on tests performed by the National Railroad Passenger Corporation and the Atchison, Topeka and Santa Fe Railway Company on automatic train stop equipment.

R-80-51 through -53 (Conrail, March 18).—Responds to recommendations reported at 46 FR 11075, Feb. 5, 1981. Reports on qualifications for engineers and conductors, training and periodic requalification of operating personnel, and mechanical inspection procedures.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161. (49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,
Federal Register Liaison Officer.
April 10, 1981.

[FR Doc. 81-11449 Filed 4-15-81; 8:45 am]
BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 13, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list

was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

- The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
 - The office of the agency issuing this form;
 - The title of the form;
 - The agency form number, if applicable;
 - How often the form must be filled out;
 - Who will be required or asked to report;
 - The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
 - Whether small businesses or organizations are affected;
 - A description of the Federal budget functional category that covers the information collection;
 - An estimate of the number of responses;
 - An estimate of the total number of hours needed to fill out the form;
 - An estimate of the cost to the Federal Government;
 - An estimate of the cost to the public;
 - The number of forms in the request for approval;
 - An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
 - The name and telephone number of the person or office responsible for OMB review; and
 - An abstract describing the need for and uses of the information collection.
- Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list

should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

- Bureau of Land Management
- 43 CFR Part 2200 Exchanges—General
- Nonrecurring
- Individuals or Households/State or local governments/farms/
- business or other institutions
- Individuals and Businesses interested in land owned by Federal Government
- Sic: Multiple
- Conservation and land management, 115 responses, 345 hours; 1 form, not applicable under 3504(H)
- Constance Buckley, 202-395-7340

The rulemaking provides the guidance for the filing, processing and completion of an exchange. The information required of an applicant is needed to determine if the proposed exchange meets the requirements of the Federal Land Policy and Management Act, if the land being conveyed to the United States is acceptable, and the title of the proponent is adequate.

- Bureau of Land Management
- 43 CFR Part 2920 Leases, Permits and Easements
- Nonrecurring
- Individuals or households/farms/
- businesses or other institutions those who wish to use Federal Lands for non-Federal uses.

Sic: Multiple
Conservation and land management, 1,435 Responses, 3,587 hours; 1 form, not applicable under 3504(H)
Constance Buckley, 202-395-7340

This rulemaking provides the procedure under which an individual can make proposal or file an application to obtain an authorization to use Federal lands for a non-Federal use. The

information required from an applicant is needed to determine if the proposed non-Federal use is appropriate and in keeping with the requirements of the Federal Land Policy and Management Act.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

- Office of Justice Assistance, Research and Statistics
- User Survey 1—Survey of Registered and Non-Registered
- Users of NCJRS
- NIJ 2300/1 & 2300/1A
- Annually
- Individuals or households
- Registered Users of the Nat'l Crim. Justice Ref. Services
- Criminal Justice Assistance, 3,800 responses, 1,254 hours; \$101,838
- Federal cost, 2 forms, not applicable under 3504(H)
- Andy Uscher, 202-395-4814

These surveys are important to the Institute and to NCJRS Management in assuring that the NCJRS services and products are (1) responsive to the changing needs and requirements of this Nation's criminal justice community and, (2) provided in a most cost effective and efficient manner. The intended uses of these surveys are strictly for administrative and management purposes.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

- Employment and Training Administration
- Energy Conservation Employment Survey
- MT-316
- Nonrecurring
- Businesses or other institutions
- 36 energy mgrs from leading firms in 12 ind.—3 firms, etc.
- Sic: Multiple
- Training and employment, 36 responses, 18 hours; \$53,700 Federal cost, 1 form, not applicable under 3504(H)
- Arnold Strasser, 202-395-6880

Recent increases in energy prices have been accompanied by large increases in employment and slack productivity growth. This survey will allow estimates of the extent to which these employment gains and productivity growth declines are attributable to an increase in energy conservation-related jobs and/or the use

of existing employees for conservation-related work.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202-632-7737

Revisions

- Task Environment Survey (I) and (II) OPM-21-80
- On occasion
- Individuals or households
- Individuals from the public serviced by sel. Fed. agencies

Central personnel management, 100 responses, 150 hours; \$30,000 Federal cost, 2 forms, not applicable under 3504(H)

Robert Veeder, 202-395-4814

Used as a part of an overall program to evaluate the effects of the Civil Service Reform Act of 1978. Opinions will be solicited over the next four years from the public serviced by selected Federal agencies. The results should contribute to the identification of the strengths of the new law, and the development of constructive alternatives for its shortcomings.

OTHER TEMPORARY COMMISSIONS

Agency Clearance Officer—Paul M. Tessler—FTS-261-1376

New

- Application for life estate lease Nonrecurring
- Individuals or households
- Navajo and Hopi heads of hholds. who are subject to reloc.

Other general government, 325 responses, 487 hours, 1 form, not applicable under 3504(H)

C. Louis Kincannon, 202-395-6880

To be used to apply for life estate leases by members of the Navajo and Hopi Indian Tribes who are subjects to relocation by the Navajo and Hopi Relocation Commission.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-11524 Filed 4-15-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-1]

Mail Classification Schedule, 1981

April 9, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Of Prehearing Conference", dated April 9, 1981, a prehearing conference will be held on May 13, 1981, at 9:30 a.m., Hearing Room, Postal Rate Commission,

2000 L Street, N.W., Suite 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 81-11437 Filed 4-15-81; 8:45 am]

BILLING CODE 7715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Executive Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on May 8, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C., commencing at 9 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on March 20, 1981; (2) Special Committee Activities Report for March-April, 1981; (3) Chairman's Report on RTCA Administration and Management; (4) Approval of RTCA Budget for Fiscal Year 1982; (5) Consideration of Establishing New Special Committees; (6) Approval of Ad Hoc Committee Report on Review of Comments to Technical Standard Orders; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 8, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-11420 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 139, Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on May 12-14, 1981 in RTCA Conference

Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Eleventh Meeting Held on March 4-6, 1981; (3) Report on the International Civil Aviation Organization (ICAO) Communications Division Meeting; (4) Review Sixth Draft of Committee Report on Minimum Operational Performance Standards for MLS; (5) Review Draft Report on Future Committee Work; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 8, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-11144 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 146, Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding Equipment to be held on May 6-7, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting Held on February 26-27, 1981; (3) Consideration of Report of Airborne Equipment Working Group; (4) Consideration of Report of Ground Equipment Working Group; (5) Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on April 6, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-11145 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[Docket No. RFA-305-80-1; Notice No. 2]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Request for public comments on preliminary determinations regarding the development of an Expedited Supplemental Transaction Proposal (Expedited STP) pursuant to section 305(f) of the Regional Rail Reorganization Act of 1973 (Act), 45 U.S.C. 745(f).

SUMMARY: On December 29, 1980, FRA published Notice No. 1 (45 FR 85542) setting forth the process to be followed by FRA in determining whether to propose an Expedited STP for the transfer of all rail properties of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island (the Rail Properties) to another railroad in the region for the purpose of providing freight service. In response to this notice three railroads, the Boston and Maine Corporation (B&M), Central Vermont Railway (CV), and the Providence and Worcester Railroad Company (P&W) (collectively referred to as the potential transferees), expressed interest in acquiring the Rail Properties. However, only the P&W actually submitted a proposed Expedited STP and that submission lacks some of the required projection and plans. FRA has reviewed the P&W submission as well as Conrail's proposed transfer terms and has preliminarily concluded that it cannot make the three affirmative statutory determinations which are a condition precedent to initiating an Expedited STP. FRA requests public comments on this matter before making final determinations.

DATE: Parties wishing to comment on this Notice shall submit their written comments to FRA by May 18, 1981. Comments received after this date will be considered by FRA to the extent practicable.

ADDRESS: Four (4) copies of written submissions must be submitted to the

Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 8211, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number. Written submissions will be available for examination, consistent with the Freedom of Information Act, at the above address between 8:30 a.m. and 5:00 p.m., EST, Monday through Friday. Those desiring notification of receipt of submissions must include a self-addressed stamped postcard.

For the convenience of the public, copies of public comments will also be available for public inspection at the following locations:

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island, between 8:30 a.m. and 4:30 p.m., EST, Monday through Friday.

Connecticut Department of Transportation, Administration Building, 24 Wolcott Hill Road, Wethersfield, Connecticut, between 8:30 a.m. and 4:00 p.m. EST, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, (202) 472-7180. Office hours are 8:30 a.m. to 5:00 p.m. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: In response to a request by FRA, the potential transferees and Conrail have each stated their position regarding an Expedited STP.

Position of Potential Transferees: Only one of the three potential transferees, the P&W, has submitted a proposed Expedited STP, and that submission lacks some of the required projections and plans. The other two failed to submit financial projections and proposed operating plans to FRA. The B&M indicated that it cannot accept a transfer of all of the properties because its projections indicate that collectively these lines cannot be operated at a profit. The CV had indicated in a letter that it could not meet the FRA data submission deadline and it has subsequently told FRA informally that it is not interested in purchasing all of the Rail Properties. Both railroads continue to express their interest in some of the Rail Properties should Conrail cease to operate them in the future. The B&M and CV statements are attached as Appendix A.

The P&W proposal indicates that it can profitably operate the Rail Properties if it is not obligated to pay the labor protection costs arising from the transfer. "As long as Federal reimbursement funds are available,

P&W will work with affected employees who are displaced or dismissed as a result of acquisition to obtain such funds. When or if the Federal reimbursement fund is exhausted, P&W will assume no further liabilities for, and will not pay, any labor protection benefits." The following is a summary of the P&W Expedited STP submission:

The P&W currently operates 212 miles of railroad in the states of Connecticut, Rhode Island, and Massachusetts. Under P&W's proposal, two operating divisions will be established to cover P&W's existing operations and the newly-acquired lines from Conrail. The P&W will implement an operating plan which will improve freight service in these areas. The new Eastern Division will comprise the existing P&W lines plus an additional 36.9 miles of acquisitions and 85.7 miles of trackage rights. The Western Division will comprise 214.9 route miles of newly-acquired lines and trackage rights over an additional 193.2 miles.

The proposed Eastern Division operations represent an increase in P&W's volume of approximately 15,000 loaded cars per year to the Providence and New London areas. The operating plan proposed provides for an interchange with the Central Vermont at New London. Additional train service is to be added at Providence (RI) and Plainfield (CT) to handle this increased traffic.

P&W currently does not provide rail service in the area to be operated as the Western Division. With a volume of approximately 90,000 cars per year in this area, the P&W proposes to interchange traffic at Springfield, Massachusetts, and on the Maybrook Branch, and to institute run-through service between Selkirk and Cedar Hill yards. Further discussions with Conrail should lead to the implementation of reciprocal blocking arrangements between the two railroads. Local and yard service will be provided, serving all locations on these lines which are currently served by Conrail, at levels equal to or exceeding the current service.

Several of the lines under consideration will not be contiguous to the main body of P&W operations. A number of options for service are presented with regard to each of these lines, including further acquisitions of rail property, acquisition of trackage rights, consideration of additional interchange points, and provision of service by Conrail.

The P&W will implement a comprehensive maintenance and rehabilitation program on these lines.

The P&W will either lease or purchase 50 locomotives to meet the projected service requirements on the lines proposed for acquisition. A total of 400 freight cars will be purchased or leased in order to meet shipper's requirements.

It is estimated that during the study period (1979) there were 574 Conrail employees involved in freight operations in Connecticut and Rhode Island. It is projected that 560 of these employees will be required for the continued operations in these states. The capital program for rehabilitation of the lines

will afford additional employment possibilities.

The study assumes that the existing Conrail labor agreements will remain in effect for a period of one year, with implementation of P&W labor agreements in 1983.

Total P&W revenue for 1985 is estimated to be \$45 million (1979 dollars) with NROI projected at \$1 million. Acquisition and start-up costs are estimated to be in the range of \$6 to \$10 million (1979 dollars), including purchase price, initial rehabilitation expenses, equipment needs, and other one-time expenses.

This plan for the expanded operation of the P&W does not require any state or federal funding of operations or improvements to the acquired properties.

As its submission on the valuation of the Rail Properties, the P&W submitted a methodology based upon Original Cost Less Depreciation and Excess Depreciation (OCLDD).

Position of Conrail: Conrail has indicated that the following terms are needed if the transaction is to be fair and equitable to Conrail:

(1) The acquiring railroad must agree to a division of revenues on traffic handled jointly with Conrail which does not exceed the divisions prescribed in ICC Docket No. 28300 (50 mile blocks, 20 percent minimum). This agreement is to be embodied in any order of the Special Court directing Conrail to implement a supplemental transaction proposal.

(2) The acquiring railroad must, as is required by sections 305(d)(7) and 508 of the Act, as amended, agree to afford labor protection to all Conrail employees adversely affected by the transfer of Conrail properties by the exercise of seniority rights by other Conrail employees, at the levels prescribed in section 505 of the Act, as amended. This agreement is to be embodied in any order of the Special Court as described above.

(3) The acquiring railroad must agree to assume those charges payable to Amtrak for the carriage of property by rail over those portions of the Northeast Corridor in Connecticut and Rhode Island, as prescribed in the "Northeast Corridor Freight Operating Agreement" between Conrail and the National Railroad Passenger Corporation (Amtrak). This agreement is to be embodied in any order of the Special Court as described above.

(4) The acquiring railroad must agree to pay a purchase price to be determined through negotiation between Conrail and the acquiring railroad, with binding arbitration by FRA if necessary.

(5) The acquiring railroad must provide adequate assurances that it is financially responsible, and capable of fulfilling, and that it will fulfill, all obligations to Conrail which arise from the transfer of Conrail properties in Connecticut and Rhode Island on a timely and responsible basis, and must agree that no such obligation will be subject to any claim, offset, or encumbrance of any kind which the acquiring railroad may be asserting against Conrail on the date of the

transfer." Conrail has indicated that "any proposal not meeting the terms would result in a net loss to Conrail based on the present ratio of revenue to variable cost of Conrail's freight operations in Connecticut and Rhode Island, and would in Conrail's view not be fair and equitable, not meet the requirements of section 305(f) of the Act, and not be in the public interest.

In the absence of an Expedited STP, "Conrail plans to undertake a program of corrective action with respect to its rail operations in Connecticut and Rhode Island involving possible (a) line abandonments, (b) branch line or commodity surcharges, and (c) rehabilitation of certain lines."

Discussion of the P&W and Conrail Submissions

1. Issue of Conrail's Future: Potential transferees and FRA are unable to factor into their Expedited STP analysis the substantial changes that everyone agrees must be made to the northeast rail system in light of Conrail's inability to achieve profitable operations. These changes, which FRA believes should include sale of Conrail properties to profitable carriers, could dramatically affect the operations and profitability of the Conrail lines in Connecticut and Rhode Island. Because of this uncertainty, FRA does not believe that a decision can be made that any of the potential transferees can operate the Rail Properties on a financially self-sustaining basis or that a transfer of the Rail Properties would promote the establishment and retention of a financially self-sustaining rail system in Connecticut and Rhode Island.

2. Wide Divergence in Conrail and P&W Positions on Terms of an Expedited STP: a. **Revenue Divisions—**The P&W proposal contains a recommendation " * * * that the P&W accept the former New Haven divisions on this traffic interchanged with Conrail with the provision that in the event that the average revenue per car when calculated using 1979 rates for all traffic interchanged is less than \$350 per car, that Conrail will pay to P&W that additional revenue required to meet the established base requirement." Such divisions are assumed in the P&W's financial projection.

Conrail, however, has stated that substantially lower divisions will be required for the transfer price to be fair and equitable to Conrail. Conrail estimates that the former New Haven divisions, without the \$350 minimum, represent a difference of more than 20 percent from the 28300 revenues Conrail proposes. Based upon the size of this difference, it is highly unlikely that FRA

could establish a division that would be acceptable to both P&W and Conrail.

b. **Labor Protection Payments—**Conrail takes the position that the transferee must assume all labor protection costs arising out of a transfer. P&W indicates that it will require Federal reimbursement for any labor protection costs it incurs. The Federal funding authorized for labor protection under Title V of the Act is sufficiently low that it is unlikely any Federal funds will be available for protection costs connected with an Expedited STP. Conrail has estimated labor protection costs could be as high as \$21 million annually if no Conrail employees transfer to P&W, as was the case with the previous transfer of Conrail properties to P&W under an STP. Conrail has also indicated that an additional one-time cost of \$3.8 million would be incurred to move employees associated with the Rail Properties and whom Conrail would continue to employ.

FRA favors repeal of the labor protection provisions contained in Title V and the enactment of less costly but fair and equitable type of labor protection. Such a prospective change in the law, however, cannot be anticipated in making the finding required by May 29, 1981.

FRA sees no resolution to this impasse without waiver by the Conrail employee unions of labor protection payments, or the commitment of additional Federal funds. Neither waiver by Conrail employee unions nor additional Federal funding can be anticipated in our analysis.

FRA does not believe that it would be in the public interest to expend substantial Federal funds to implement an Expedited STP.

Preliminary Determinations

Based upon the above considerations, the FRA preliminarily believes that it cannot make two of the three statutory findings (45 U.S.C. 745(f) (A) and (B)) which are a condition precedent to initiating an Expedited STP, prior to the May 29, 1981 statutory deadline. These two findings are that:

(A) the proposed transferee railroad is financially and operationally capable of assuming the freight operations obligations of the Corporation [Conrail] on a financially self-sustaining basis; [and]

(B) the proposed transfer would promote the establishment and retention of a financially self-sustaining railroad system in the States of Connecticut and Rhode Island adequate to meet the needs of such States.

In as much as P&W and Conrail positions are substantially different with

respect to proposed transfer terms for an Expedited STP, FRA is unlikely to be able to negotiate satisfactory terms prior to May 29, 1981.

FRA requests public comments on these preliminary determinations. All comments received within the comment period will be considered by FRA in making final determinations regarding the development of an Expedited STP.

Issued in Washington, D.C., April 9, 1981.

Robert W. Blanchette,
Federal Railroad Administrator.

Attachment A

Central Vermont Railway, Inc., P. C. Larson,
General Manager, 2 Federal Street, St.
Albans, Vermont 05478.

February 28, 1981.

Mr. Steve Black,
Federal Railroad Administration, Office of
Associate Administrator for Federal
Assistance, 400 Seventh Street S.W.,
Washington, D.C.

Dear Mr. Black: The Central Vermont Railway, Inc. wishes to advise you this date it will not be possible for our company to prepare and forward Potential Transferee Submission requirements by the established date of March 16, 1981. The following will, in detail, explain why this carrier is unable to submit a proposal by the required deadline. We regret to inform you of this because of our sincere interest in the overall health of the industry in Connecticut and Rhode Island. However, we feel sure you will agree because of the following that the Central Vermont Railway, Inc. cannot present an intelligent and responsible submission, meeting the deadline date of March 16, 1981.

However, for the record, please be advised this should not in any way be viewed as a disinterest on our part. We continue to be interested in continued involvement in the lines, as defined in Appendix A Rail Properties.

On January 6, 1981, the Central Vermont Railway, Inc. received from the Department of Transportation Notice No. 1, as it related to FRA Docket No. RFA-305-80-1. On January 16, 1981 the Central Vermont Railway submitted to your office the Company's official letter and required data representing a statement of interest as provided by the docket. On February 10, 1981, we received an invitation from your office, signed by Mr. William E. Loftus, to attend a procedures meeting in Washington scheduled for 1:30 P.M. Thursday, February 12, 1981. A representative of the Central Vermont Railway did attend the session, and met with other interested transferees, Conrail, as well as FRA staff personnel. During the course of the meeting the Central Vermont Railway submitted a list of data items required from FRA and Conrail which would be necessary to enable the Central Vermont Railway to submit a proposal. The list contained such items as engineering information, motive power and car equipment requirements, transportation schedules, copies of current Conrail operating contracts, joint operating agreements, Conrail employee data such as complete rosters, copies of labor agreements,

employees by class, etc. In addition to the foregoing, the CV also requested data relating to demurrage income by customer, financial statements of the lines, traffic data by line segment, equipment pools and numerous other items. To date, we have received a very small portion of our request, and the data received is not complete in terms of our request. As an example, the employee data does not show wages, which is very important to us if we are to provide employee protection. The traffic data base which has been provided lacked critical information such as actual origin of Conrail terminating traffic, Conrail's oncoming junctions, Conrail's offgoing junction points on destination traffic. We are also in receipt of associated track charts, which are in good order; however we have not received valuation maps of the properties.

We are sure you will agree that the data requested by the Central Vermont is necessary if the company is to submit a reasonable proposal.

Officers of the Central Vermont Railway on February 18th and 19th, 1981 visually inspected the lines; however while this was helpful only information through observation was acquired.

We feel in fairness to this company, as well as our sincere desire to be fair to Conrail and to the United States Government that it was necessary to advise you of our position this date.

Once again in closing, may I say that the Central Vermont Railway maintains an interest in intelligently evaluating the feasibility of operating the various Conrail lines in Connecticut and Rhode Island should these lines become available to other carriers. If and when the requested data becomes available to us, we will continue our evaluation of these lines and will advise you of our findings.

I wish to express my appreciation for your cooperation in this matter, and please call on me at any time I can be of assistance.

Sincerely yours,

P. C. Larson,
General Manager.

Boston and Maine Corporation, Debtor, Iron
Horse Park, North Billerica,
Massachusetts 01862, 617/667-8100;
Robert W. Meserve, Benjamin H. Lacy,
Trustees; Alan G. Dustin, President and
Chief Executive Officer.
March 16, 1981.

Office of Chief Counsel,
Federal Railroad Administration, Room 8211,
400 7th Street, S.W., Washington, D.C.

Dear Sir: Attached is a summary of the Boston and Maine's position on the 601 transfer of ConRail's lines in Connecticut and Rhode Island as mandated by the Staggers Rail Act of 1980.

The Boston and Maine has determined that the transfer of ALL the lines and Connecticut and Rhode Island would result in unprofitable operations for the Boston and Maine and as a result we will make no offer for these lines at this time.

The Boston and Maine remains interested in some of those lines and offers its help and cooperation in the ongoing process of determining the future of these lines whether

they be with ConRail or another carrier such as the Boston and Maine. Our full position will be forwarded to you shortly in the U.S. mail.

Very truly yours,

A. G. Dustin.

Summary of Boston and Maine Position on Section 601 Transfer of Lines in Connecticut and Rhode Island.

1. Boston and Maine cannot accept a section 601 transfer of ALL lines in Connecticut and Rhode Island because its projections indicate that collectively these lines cannot be operated at a profit.
2. Boston and Maine continues to be interested in operating lines in these states if ConRail chooses to withdraw or is required to withdraw. A significant amount of B&M's business originates or terminates within these states and any transfer to another carrier could greatly affect Boston and Maine.
3. The section 601 process is significantly flawed because of its use of political boundaries instead of economic or operating boundaries. It is further flawed by the limited time period made available for the potential transferees to complete their studies of the lines to be transferred.
4. Any future restructuring of ConRail should be designed to enhance railroad competition, not diminish it.
5. If lines are transferred from ConRail in the future, ownership of these ConRail lines should remain in the public sector and be operated under lease by interested carriers.
6. Boston and Maine wishes to participate in future restructuring studies of ConRail.
7. Boston and Maine believes that any section 601 transfer will not be in the public interest. There are other restructuring options available which could be far more attractive than a section 601 transfer. For example, Boston and Maine suggests that an operation where more than one carrier had the right to operate to each of the major terminal areas in Connecticut and Rhode Island provides interesting possibilities to improve rail service to the region.

(FR Doc. 81-31278 Filed 4-15-81; 8:45 am)

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-4]

Lamoille Valley Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Lamoille Valley Railroad (LVRC) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the LVRC be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a

period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The LVRC seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-4, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before May 1, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on April 1, 1981.

Joseph W. Walsh,
Chairman, Railroad Safety Board.

[FR Doc. 81-11427 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-06-M

[Waiver Petition Docket Nos. RSGM-80-41 Through RSGM-80-86]

Petitions for Waiver of Safety Glazing Standards

Notice is hereby given that seven petitioners have submitted requests for temporary or permanent waivers of compliance with the Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials

installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual petitions for a waiver of compliance with this regulation are described below. The description indicates the nature and extent of the relief requested as well as the information that has been submitted in support of the request for the waiver of compliance. It should be noted that each of these petitions involves a request for relief from provisions of the regulation that are applicable to passenger cars.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM-80-1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration (FRA), 400 Seventh Street, SW, Washington, DC 20490. Communications received before May 15, 1981, will be considered by the Federal Railroad Administration before the date final action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.-5 p.m.), in Room 8211, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Illinois Central Gulf Railroad

(Waiver Petition Docket Number RSGM-80-41)

The Illinois Central Gulf Railroad (ICG) seeks a permanent waiver of compliance with Part 223 for a present fleet of approximately 170 passenger cars that is currently used to provide commuter service in the vicinity of Chicago, Illinois. The ICG also seeks a similar waiver for approximately 10 passenger cars owned by the Regional Transportation Authority but operated by the ICG.

The waiver sought by ICG only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The ICG notes that these door windows are in a recessed location between closely coupled cars and, therefore, are not vulnerable to damage or breakage

during normal operations. Consequently, the requested waiver would not expose passengers to any increased risk of injury if granted by FRA. The ICG does not believe that the cost of installing the prescribed glazing is justified since it would serve to protect against a non-existent hazard.

Chicago, Milwaukee, St. Paul and Pacific Railroad

(Waiver Petition Docket Number RSGM-80-42)

The Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee) seeks a permanent waiver of compliance for its present fleet of 118 passenger cars. The requested waiver would also apply to any similar passenger cars owned by the Regional Transportation Authority but furnished to Milwaukee for commuter service in the vicinity of Chicago, Illinois.

The waiver sought by Milwaukee only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The Milwaukee notes that these door windows are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Burlington Northern

(Waiver Petition Docket Number RSGM-80-43)

The Burlington Northern (BN) seeks a permanent waiver of compliance for its present fleet of 141 passenger cars. The requested waiver would also apply to any similar passenger cars owned by the Regional Transportation Authority but furnished to BN for commuter service in the vicinity of Chicago, Illinois.

The waiver sought by BN only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The BN notes that these doors are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Chicago, South Shore and South Bend Railroad

(Waiver Petition Docket Number RSGM-80-48)

The Chicago, South Shore and South Bend Railroad (South Shore) seeks a temporary waiver of compliance with Part 223 for its present fleet of 49 passenger cars. These cars are currently used to provide passenger service